

Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vandlik et al

Attorney Docket No.: F-5489 CIP2 Con

Serial No.: 10/765,498

Examiner: P. Bianco

Filed: January 26, 2004

Group Art Unit: 3762

Title: Blood Processing Systems and Methods that Employ an In-Line Flexible Leukofilter

Petition Pursuant to 37 C.F.R. §1.183

Requesting Waiver of Requirement of 37 C.F.R. § 1.64

That an Original Inventor (Kelly B. Smith) Execute New Oath or Declaration

When New Inventors Are Added With Assignee's Consent

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has requested, pursuant to 37 C.F.R. §1.48(c), a correction of inventorship in the above identified case by the addition of joint inventors Tom Westberg and Rohit Vishnoi. The addition of inventors is necessitated by amendment of the claims to add subject matter not present in the claims at the time this case was filed. Statements under 37 C.F.R. §1.48(c)(2); assignments; and a new Declaration have been executed by added inventors Tom Westberg and Rohit Vishnoi and have been submitted with the request. Original inventors Mark R. Vandlik and Michael Kast have also executed the new Declaration. However, original inventor Kelly B. Smith has not, as yet, been located to obtain her signature on the new Declaration. Active efforts are ongoing to locate her and ask her to join in on the execution of the new Declaration.

An assignment, executed by the original inventors Mark Vandlik, Michael Kast, and Kelly B. Smith has been previously recorded in the parent application (Serial Number 09/976833, now US 6,709,412) in Reel/Frame 012582/0905. The assignee Baxter International Inc. has consented to the correction of inventorship.

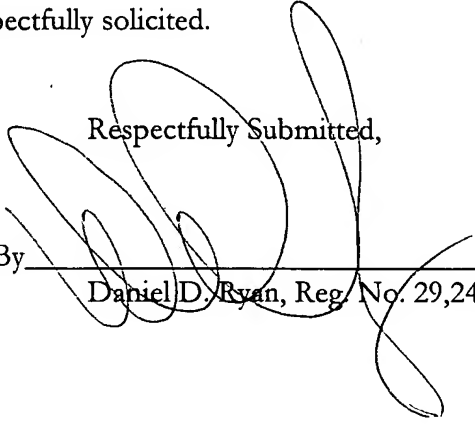
Under such circumstances, as directed by MPEP 201.03 (B), applicant submits this Petition under 37 C.F.R. § 1.183, requesting a waiver of the requirement of 37 C.F.R. § 1.64 that Kelly B. Smith sign the new Declaration, when as here, the assignee has consented to the correction to add new inventors.

The processing fee as set forth in 37 C.F.R. §1.17(i) accompanies this Petition. You are authorized to charge any excess fees, or to credit overpayments, to Deposit Account No. 06-2360. A copy of this Petition is attached for this purpose.

Approval of this Petition is respectfully solicited.

Respectfully Submitted,

By


Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

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